

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Double Bench of Mr Naveen Verma, Chairman,
& Mrs Nupur Banerjee, Member**

Case No. RERA/SM/17/2018

Authorised Representative of RERA.....Complainant

Vs

M/s Technoculture Building Centre Pvt. Ltd.....Respondent

Project: Vastu Vihar Siwan, Phase-I

**Present: For Complainant: Mr. Jainandra Kumar, Advocate
For Respondent: Mr. Deepak Kumar, L.R.**

18.10.2022

ORDER

Real Estate Regulatory Authority, Bihar issued a suo motu show- cause notice on 03.05.2018 to the Directors of the respondent company for contravention of section 3 of the Real Estate (Regulation & Development) Act 2016 by advertising the project **Vastu Vihar Siwan, Phase - I** through the brochures on their website without registering the project with the RERA, Bihar. The promoters were directed to show cause as to why proceedings under 59 of the Real Estate (Regulation & Development) Act 2016 may not be initiated against them. It was brought to the notice of the Authority that the respondents have been advertising and taking advances against the bookings made in the project.

The respondent company in its reply dated 19.05.2018 had stated that the said area was not notified under any planning area but subsequently, in their reply dated 05.09.2022, they have stated that on 05.11.2021, the said area has been notified under planning area.

The Authority takes note that under the first proviso of Section 3 of the Act, all the ongoing real estate projects were required to register by 31st July, 2017 with the Real Estate Regulatory Authority, Bihar except in projects where area of the land proposed to be developed does not exceed five hundred square meters or number of apartments proposed to be developed does not exceed eight inclusive of all phases. Further, section 3 of the Act provides that no promoter can advertise, market, book, sell or offer

for sale or invite persons to purchase in any manner any plot, apartment or building as the case may be, in any real estate project or part of it, in any planning area within a State, without registering the real estate project with the Real Estate Regulatory Authority (RERA) established under this Act. Promoter of ongoing real estate projects in which all buildings as per sanctioned plan, have not received Completion Certificate, shall also be required to be registered for such phase of the project which consists of buildings not having occupation or Completion Certificate. RERA Bihar, by its general order dated 3.5.2018, had directed promoters to register their projects falling outside the planning area.

On the last date of hearing i.e. 30.08.2022, the respondent company had stated that after the notice was issued no flat was sold and they have not violated any of the provisions of the RERA Act.

The respondent have filed their reply on 5.9.2022 stating that the project was launched in the year 2016 and all bookings were completed before the commencement of the Act. The project has been registered on 29.09.2019.

The Authority observes that in the application for registration, the respondent company has mentioned the project start date as 16.02.2016 and end date as 30.04.2021.

The promoter has submitted that their application for extension of registration is pending in RERA. I/c Registration is requested to examine this and put up separately. The promoter has submitted that the project has since been completed and the completion and occupancy certificates have been uploaded.

In the present matter even though the respondent company is claiming that they have not booked any plot or made any advertisement of the project after commencement of the Act but, they have admitted the fact that the project was ongoing and after issuance of suo-motu notice, they have applied for registration.

Taking note that after issuance of suo motu notice, they have applied for registration of the project by paying an amount of Rs.5,32,198.80/- as registration charge along with late fee, the Authority directs that the late fees paid by the promoter be treated as

penalty and this amount be deposited in the appropriate budget head of the State Government.

With this direction the matter is disposed of.

Sd/-

Nupur Banerjee
Member

Sd/-

Naveen Verma
Chairman